

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hoa Thien DANG et al.

Serial No.: 10/557,284

Filed: November 18, 2005

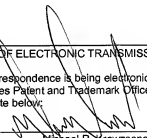
For: SUBSTRATE WITH ANTI-SOILING
COATING

Group Art Unit: 1794

Examiner: Dhirajlal S. Nakarani

Atty. Dkt. No.: ESSR:087US

Confirmation No.: 8524

CERTIFICATE OF ELECTRONIC TRANSMISSION	
I certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:	
June 8, 2010	
Date	Michael R. Krawcznsenek

LETTER OF GOOD FAITH AND CANDOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) included with the Issue Notification dated February 24, 2010 indicates a patent term adjustment of 981 days. Patentees believe the patent term adjustment should be reduced to 979 days.

REMARKS

Pursuant to 37 C.F.R. § 1.702(a)(1), Patentees are entitled to an adjustment of patent term due to examination delay if the Patent Office fails to mail an action under 35 U.S.C. § 132 not later than 14 months after the date on which the application fulfilled the requirements of 35 U.S.C. § 371 in an international application. This application fulfilled requirements on November 18, 2005. Fourteen months from this date is January 18, 2007. The first Office Action was mailed on September 25, 2008. Therefore the Patent Office period of delay for failing to mail a first action under 35 U.S.C. 132 is from January 18, 2007 until September 25, 2008, a period of 616 days. Applicants note that the Patent Term Adjustment Sheet available on PAIR indicates a Patent Office delay of 617 days, presumably for listing an incorrect filing date of November 17, 2005.

In addition, pursuant to 37 C.F.R. § 1.702(b), applicants are entitled to an adjustment of patent term due to examination delay for failing to issue a patent within three years of the filing date of the application. Three years from the filing date is November 18, 2008. This patent issued on March 16, 2010. Therefore the Patent Office period of delay for failing to issue a patent within three years is from November 18, 2008 until March 16, 2010, a period of 483 days. Applicants note that the Patent Term Adjustment Sheet available on PAIR indicates a Patent Office delay of 484 days, presumably for listing an incorrect filing date of November 17, 2005.

To calculate the period of patent term adjustment, the total period of Office Delay is reduced by the period of Applicant Delay, which the Office correctly calculated as a period of 120 days. Accordingly, Patentees submit that the correct patent term adjustment for the above-referenced application is 979 days.

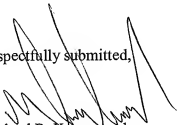
CONCLUSION

In consideration of the events described above, Patentees believe the calculation of Office delay of 1101 days is incorrect. As such, Patentees respectfully request reconsideration of the PTA in the following manner:

- 1) Total Office delay should be calculated as 1,099 days;
- 2) Total Applicant delay should be calculated as 120 days; and
- 3) Total PTA should be calculated as 979 days.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/ESSR:087US.

Respectfully submitted,


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